

Notice of Allowability

Application No.

09/987,490

Examiner

Janis L. Dote

Applicant(s)

KOMOTO ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/21/05.
2. ☒ The allowed claim(s) is/are 48,49,51,55-58,63,64 and 68-73.
3. ☒ The drawings filed on 31 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. This office action is responsive to applicants' response filed on Mar. 21, 2005. Claims 48, 49, 51, 55-58, 63, 64, and 68-73 are pending.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The terminal disclaimer filed on Mar. 21, 2005, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,596,452 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Accordingly, the rejection of claims 48, 49, 51, 55-58, 63, 64, and 68-73 under the judicially created doctrine of obviousness-type double patenting over claims 1-57 of US 6,596,452 B2 (Magome) in view of US 6,040,103 (Ohno), US 5,728,800 (Ohba), and European Patent 989470 A2 (EP'470), set forth in the office action mailed on Nov. 17, 2004, paragraph 19, has been withdrawn.

Claims 48, 49, 51, 55-58, 63, 64, and 68-73 are allowable over the prior art for the reasons discussed above and for the reasons discussed in the office action mailed on Nov. 17, 2004,

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paragraph 4, pages 3-5, which are incorporated herein by reference.

The following references, which are listed on the Information Disclosure Statement (IDS) filed on Nov. 21, 2003, were listed as "X" references on the European Search Report filed in the IDS filed on Nov. 21, 2003.

Patent Abstracts of Japan describing JP 60-147756 discloses a photosensitive body 1 having an amorphous silicon surface layer and a conductive plate-like charging member 3. However, the reference does not teach or suggest an image forming apparatus comprising the charging roller recited in instant claim 48. Nor does the reference teach or suggest the developing means, which includes the magnetic toner recited in instant claim 48, or a photosensitive member comprising a surfacemost layer comprising a non-single crystal carbon hydride film as recited in instant claim 48.

The DERWENT abstract describing JP 62-175776 (JP'776) teaches uniformly charging the surface of a photoreceptor having a non-crystalline Si photoconductive layer with 470 V by a primary charger. However, the reference does not teach or suggest an image forming apparatus comprising the charging roller recited in instant claim 48. Nor does the reference teach or suggest the developing means, which includes the

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magnetic toner recited in instant claim 48, or a photosensitive member comprising a surfacemost layer comprising a non-single crystal carbon hydride film as recited in instant claim 48.

US 5,729,800 (Ohba) is described in the office action mailed on Nov. 17, 2004, paragraph 19, pages 14-15. Ohba does not disclose or suggest an image forming apparatus that comprises the charging roller recited in instant claim 48. Nor does the reference teach or suggest the developing means, which includes the magnetic toner recited in instant claim 48, or a photosensitive member comprising a surfacemost layer comprising a non-single crystal carbon hydride film as recited in instant claim 48.

European Patent 0822456 A (EP'456) teaches an image forming apparatus comprising a charging roller **117**, a photosensitive drum **100**, and a developing assembly **140**. See Fig. 1, and page 13, line 49, to page 14, line 2. EP'456 further teaches a magnetic toner comprising a wax and having a weight-average particle size of 6.7 μm , which is within the range of 4 to 8 μm recited in instant claim 48. See Toner production example 1 at page 15, lines 15-48. However, the reference does not teach or suggest that the magnetic toner contains 0.10 to 1.50% of isolated iron-containing particles, or that it contains an electroconductive fine powder having a

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volume-average particle size of 0.8 to 3.6 μm , as recited in instant claim 48. Nor does the reference teach or suggest the charging roller recited in instant claim 48 or a photosensitive member comprising a surfacemost layer comprising a non-single crystal carbon hydride film as recited in instant claim 48.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JLD

Apr. 15, 2005

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1500
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